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Federal Probation

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This Issue in Brief

Guiding Philosophies for Probation in the 21st Century.—What does the future hold in store for probation? Authors Richard D. Sluder, Allen D. Sapp, and Denny C. Langston identify and discuss philosophies and goals that will emerge to guide probation in the 21st century. They predict that offender rehabilitation will become a dominant theme in probation but that it will be tempered by concern about controlling offenders to ensure community protection.

Identifying and Supervising Offenders Affiliated With Community Threat Groups.—Gangs and community threat groups have placed a new breed of offender under the supervision of U.S. probation officers. Are the officers adequately trained in special offender risk-management techniques to provide effective supervision? Author Victor A. Casillas analyzes gang and community threat group issues from a district perspective—that of the Western District of Texas. He defines and classifies community threat groups generally, relates the history of gangs in San Antonio, and recommends organizational strategies for identifying, tracking, and supervising offenders affiliated with community threat groups.

Community Service: A Good Idea That Works.—For more than a decade the community service program initiated by the probation office in the Northern District of Georgia has brought offenders and community together, often with dramatic positive results. Author Richard J. Maher presents several of the district's "success stories" and describes how the program has built a bridge of trust between offenders and the community, has provided valuable services to the community, and has saved millions of dollars in prison costs. He also notes that the "get tough on crime" movement threatens proven and effective community service programs and decreases the probability that new programs will be encouraged or accepted.

Community-Based Drug Treatment in the Federal Bureau of Prisons.—Author Sharon D. Stewart provides a brief overview of the history of substance abuse treatment in the Federal Bureau of Prisons and discusses residential treatment programming within Bureau institutions. She describes in detail the

community-based Transitional Services Program, including the relationship between the Federal Bureau of Prisons, the United States Probation System, and community treatment providers.

The Patch: A New Alternative for Drug Testing in the Criminal Justice System.—Authors James D. Baer and Jon Booher describe a new drug testing device—a patch which collects sweat for analysis. They present the results of a product evaluation study conducted in the U.S. probation and U.S. pretrial

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What Do Offenders Say About Supervision and Going Straight?

BY JULIE LEIBRICH

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ONE OF the documented goals of the Community Corrections Division, which administers the sentence of supervision in New Zealand,¹ is to contribute to a reduction in the likelihood of reoffending.² A study of probation managers and field staff found that they believe that this aim is desirable, reasonable, and achievable with at least some offenders (Leibrich, 1991). Field staff said that the nature of the relationship between the probation officer and offender was the pivotal factor in influencing offending behavior. They argued that if the relationship were good, and in particular if some rapport were established between probation officer and offender, then it could open the door to influence. This in turn could mean that the offender was more likely to look at the options offered and choose to go straight. The keys to a good probation officer-client relationship were said to be: establishing rapport, adapting to individual needs, taking risks, going the extra mile, being genuine, being honest about the relationship, empowering the offender, balancing care and control, and spending quality time.

This article looks at what offenders said about their experience of supervision and their relationship with the probation officer. The people I talked to were those who had been on the sentence 3 years before and not had a conviction since. I wanted to know if they thought they had got anything out of the sentence and what they thought of their probation officer.

The questioning on supervision was set in research into desistance from crime. Its primary purpose was to find people who had a clean slate for 3 years, establish whether or not they were going straight, and ask those who were about their motives and methods for giving up crime (Leibrich, 1993). In establishing offending behavior since the last conviction, I found that 37 out of 48 people (77 percent) said they had stopped committing the offense for which they got supervision, but a third of these said they were still committing some less serious offense. Eleven people (23 percent) either said they were still committing the offense for which they got supervision or a more serious offense.

It is important to emphasize that this was not a study designed to *test the effectiveness* of supervision. It was seeking explanation and experience by asking people did they get anything out of supervision, and what was their probation officer like.

Research Design

The study group was a random sample of 48³ people drawn from the 312⁴ who were sentenced to supervision in New Zealand in 1987, who completed their sentence in a selected probation region,⁵ and who by October 31, 1990, had not been reconvicted of a criminal or major traffic offense. The "response rate" was exceptionally high⁶: 70 percent of people in the original sample were contacted and agreed to take part. Excluding people who could not be contacted because they were dead or living overseas, the response rate was 77 percent.

The interviews, which lasted on average 2 hours, were recorded and transcribed verbatim. Questioning about the supervision experience occurred during the later stages of the interview in a series of structured questions. The transcripts consisted of more than 1,000 pages of single-spaced A4 texts. A rigorous thematic analysis was undertaken using a combination of a word-processing package (Word for Windows) and database package (Paradox - 3).

Studies of offenders pose exceptional difficulties of strategy and ethics (Leibrich, Galaway, & Underhill, 1984; Leibrich, 1986). Studies of former offenders are even more problematic. Here only the briefest outline of the research design is given; a comprehensive methodology is given elsewhere (Leibrich, 1993).

Participants

Just over half of the people who took part in the study were men. The average age at the time of the interview was 32. About a third were of European origin, a third of Maori origin, and a sixth of Pacific Island origin. Other described themselves simply as Kiwis or New Zealanders. Less than half were in paid employment, and their jobs were mostly manual. Just over half were on state benefits. Only a third had any formal educational qualifications.

The participants had moderately serious involvement in crime. They had an average of five convictions, which covered a wide range of offenses. According to formal records, the average age at which they had first been convicted was 22, but of course many of them had been in trouble at a much younger age.⁷ Just over a third of them had served a more serious sentence than supervision, but only six had been to prison. The average length of the supervision sentence was ap-

proximately 11 months. About two-thirds of the group were also sentenced to some other penalty such as a fine or periodic detention.⁸ Half of them had a special condition attached to the sentence such as being required to take treatment for addiction.

Did You Get Anything Out of Supervision?

Exactly half of the people in this study said they got something out of supervision and half said that they did not. There was more of a tendency for those going straight to say that they had got something out of the sentence than for those who were not going straight.⁹

Got Something

The chance to talk things through with someone was mentioned by 16 people as the main benefit of supervision. For 13 of them, the person they talked to was their probation officer, and for three of them it was a counselor to whom they had been referred. Joan, whose offense also occurred shortly after a marital separation, said:

At the start it was really nice because it was actually someone you can talk to, I ended up being able to talk quite openly, too . . . It was really quite nice to be able to get it off your chest without all your friends' personal comments about why you did it. You know, it was just . . . it was something I was at the time probably quite grateful for . . . I probably would have never gone to a counselor to talk about it, you know, it wouldn't have been something I did off my own bat, but because I was made to do it I did feel better actually getting rid of all the anger and feelings inside me on a neutral ground.

Joan 362

Thirteen people said that *the sentence had something to do with them not getting into further trouble*. Eight of them had said that they were glad of the chance to talk things through, and this was the thing that helped them stay out of trouble:

Well they helped me stay out of trouble that was one thing . . . like they say to me did you know that was wrong? It was actually going through my head and I felt actually that's when I realized not to ever do it again, because what my probation officer was saying to me was just sort of giving me, asking me questions like why did you do it for, why do you hang out with those sort of people, have you realized what you've done now, and would you ever do it again sort of thing. I'm sort of thinking back what he was saying to me and I just thought it was about time I never got into trouble again. It's the first and last time I will do it, but he was really . . . he was really a nice guy. He really was.

Leonie 665

One of these people, who found the chance to talk helpful, also found the actual reporting unpleasant and in itself a deterrent:

And just for that six months the thought of going, just going to the Probation Office sort of really made me feel horrible . . . I'd sort of put it off every time throughout the month I just didn't want to think of it until it was that particular day which I had to report to the probation officer. That's when I had to sort of, it all just come back to me and I think when it came back to me every

time I thought of it it made me determined never to do it again.
Sasha 93

Four said it was mainly being made to stay put in the same town or being watched over that stopped them getting into more trouble:

J: Well it kept me on the straight and narrow for a while.

JL: Do you think it did or are you just saying that?

J: No, it kept me straight, I stopped doing 90 percent of what I was doing for the simple fact if I breached probation that was it! And he said to me you breach it and that's it, there's not a lot I can do for you. He sort of warned me and he told me what would happen. He was straight up, he said look, here's what you're up for, he said here's the rules, rules are there to be broken sure, fair enough, but you break this main rule here of breaching your probation with crimes, he says I won't hesitate in recommending you for jail.

Jaydee 637

One said it was being made to go away from his hometown—and drug associates—that influenced him.

Did Not Get Anything

Most of the 24 people who said they got nothing out of supervision saw it as just a "nonevent" which had little if any influence on them:

I thought it was a bit of a joke. To tell you the truth I was laughing. The first time I got a \$150 fine, the second time I just had to go and sit with this Maori lady for 10 minutes. First of all it was once a week for three weeks or four weeks, and then it was once a fortnight for another two months, and then it was once a month for the last two months, that's the way it was. Yeah. I'd go round and she would say how are you getting on. It was just like visiting a granny you don't know. It was so little to do with anything that had happened. I don't consider it was of any benefit at all except that it prevented another fine. I didn't get fined I just got watched. But I *didn't* get watched, I went to see *her*. She never came to see me. It was no punishment either, I mean, drive my little car out to that place. I used to wonder who would see me go in there, but that was the worst of it, if anyone would see me go in. It was a Sunday picnic. It was nothing.

Melanie 923

W: The supervision, yeah that's, well I had to go and report to him every month, eh? Yeah well I reported about once every four months, eh? And one time he got *wild* and I thought shit! This joker's a bit of a dick if he thinks I'm going to come and see him every month! What's the matter with him? Christ! You know! And to tell you the truth I just walked in there and he said everything's okay? And I said Yep! And I'd just walk out.

JL: And that was it?

W: That was it.

Wara 66

Toby was clear that he got nothing out of it because they gave him a set of rules rather than appeal to his reason:

T: No, well they'd come up home and they'd talk to me and I was listening to them in a more or less in a faraway mind.

JL: How do you mean?

T: Well I wasn't interested in what they were saying to me anyway. If I was going to stop what I was doing, on my own back. I'd already admitted to being an alcoholic and all that. Admitted to driving while drunk. And they're trying to make me say to them, to change things, but they never gave me an indication that they wanted to help me in anyway.

JL: What do you mean?

T: No, not really, they were playing by the book. They should have played by the mind.

JL: Tell me what you mean.

T: Well, the mind works better than the bloody book sometimes. The book is too staunch on certain things, but the mind gives you a chance to think.

JL: Was this person you saw, were they a bit straight up and down or what? How did they play it by the book?

T: Well put it this way, they were saying things that I wasn't interested in, 'cause they sounded like lawmen themselves, you know. To me, well my mind was saying if I'll be a good boy the law will leave me alone. But they were trying to shove down my throat—don't do this, don't do that. Don't do this, don't do that.
Toby 677

Some attributed the fact that they got nothing from it to the fact that they were too young or just not receptive:

I, you know, I was . . . I didn't really understand. I was, you know, I was still *young*. I had one of those didn't give a stuff attitude then, you know, I just took it as a, just go in there, oh yeah, just blah blah blah, you know. I didn't give a *stuff*.
Nick 655

A few simply detested their supervision sentence:

More of a pain in the arse going to them and that really. You know, once a week you've got to go there. Once a week you've got to go here, and you just sit there and say nothing, all bloody for an hour, I can do that at home, just sit there and say nothing for an hour. . . It sucks, it's stupid, it's a waste of time, waste of everybody's time I think. Waste of probation officer's time too, sitting there doing nothing, filling out a bit of paper with nothing on it, the same thing as they asked you the week before. . . No, it didn't do nothing for me.
Terry 457

J: I only had to go once a week I think, oh she just used to ask me questions, it was just a load of bullshit if you ask me. Unnecessary. What had I been doing and things like that. (...) ¹⁰ It would just go in one ear and out the other, I would just say yep yep and just walk out and forget about everything she said, just, I had no time for her.
Jo 740

What Was Your Probation Officer Like?

In talking to me about their last probation officer, almost two-thirds made mainly positive comments, a quarter were simply neutral, and the rest made negative comments about their supervising officer.¹¹ It was in these comments about their probation officers that the offenders began to identify the features of a good offender-probation officer relationship from their point of view.

Positive Comments

Most of the 30 people who made generally positive comments made one key point. Some made more than one. *Being treated as an individual* was one of the most important aspects of a good supervision experience. This theme emerged quite clearly in 14 accounts. It was the way the probation officer attempted to relate to the person's total experience, and give the person the right kinds of openings to think things through,

which was the hallmark of this quality of experience. Annie, for instance, thought very highly of her probation officer and attributed much of her change to his intervention:

It was him being caring enough to be there with me. You know, I *know* he had no choice, he was thinged [i.e., assigned] to me through the courts. But he just sort of told me, you know, is it really worth it? (...) I mean if I had been doing my probation and he had just been like a policeman and I didn't really have someone to talk to, I mean I might have done it again. Calling out for help, crying out for help. He treated you like a human, like you had problems. I think, I think he could actually see that I had problems, too. That was, you know, he could see that things just weren't the way they were meant to be, and he could see that I needed something there that was missing. (...) I reckon you've got to have caring people to be a probation officer, people that are willing to listen.
Annie 986

The fact that the probation officer was *someone they could get on with* was significant for 10 people who said they had liked their probation officer as a person. For David, the fact that he liked and respected his probation officer, and felt this respect returned, helped him overcome his sense of shame:

Well actually the way that I was treated was pretty fair, the person that was looking after me was quite a responsible sort of bloke and I respected him and he respected me. . . and well my self-esteem rose.
David 523

People felt they knew *genuine care* when they came across it, and it certainly mattered to them. Mary Jane held her probation officer in high esteem and attributed positive changes in herself to this person's influence:

I learned that I could stand up for myself as a woman. That's what I got out of that, and that I wasn't the useless dumb Maori that I was told I am, I wasn't mad in the head. Well, you know, those are the sorts of things that I learnt. And there are nice males that you can talk to. 'Cause I've never, to me I've never been able to talk to males really close because, you know, to me they, well it's probably because of the ones I've met, you know they just don't give a *damn* about you. But I actually did learn that there are males out there that you can talk to.
Mary Jane

But these people didn't just want a soft touch. Six of them made the point that it was important that their probation officer was *clear about what was required of them*. Notice, in this passage from Nga's interview, how she expects the probation officer to combine these two things—being clear about what was required, yet still being Nga's "mate":

N: Amy came round and saw me. I'm your probation officer, I want to see you at such and such time *every* week on *that* day, at *that* time. Five minutes late—I'll put a warrant out for your arrest.
JL: Was she hard?

N: Yeah man she was hard! That was *hard*, man. I used to ring her up if I couldn't get there after work. I had a whole year, well I deserved it. As far as I was concerned I deserved a strict probation because I stuffed the other one up.¹² I played games with them, yeah. As for this Amy, it was you better be here such

and such a time. If not there's a warrant out for your arrest. And I used to go there and she goes now what's happening with you this week. And goes nothing much. And goes I don't like your attitude, miss. And goes well I don't like yours either! If you're going to be my mate I don't mind you threatening me to get *here*, but don't threat to me while I am here, while you actually see me. I'd rather go to jail than listen to you . . . But she was, she *was* good, Amy was good, she, you know, she made sure that everybody never fucked her around. You fuck me around and I'll fuck you around too. Here! Go to the cop shop, have a little night there and then I'll think about it.

Nga 1347

But being clear did not necessarily mean being rigid. Six people commented how much they appreciated *being trusted when the occasion called for it*:

Oh you know, you're supposed to go in there once a fortnight or something, and he says "Oh, see you in a month's time, six week's time, or something like this you know, just whenever you're going by." No day no time. But he knew I would do it sort of thing. And every now and then we used to sit there and talk about fishing, 'cos I used to do a lot of fishing... A real gentleman as far as I'm concerned you know.

Jack 466

Neutral Comments

The 13 people whom I grouped as making neutral comments just tended to say that the probation officer was okay. They gave the impression that the person had made no particularly positive impact on them but that they had no actual complaints. I must add a word of caution here. It is very hard to interpret these neutral comments. It can be very hard for people to criticize an institution which has some control over them (Leibrich, Galaway, & Underhill, 1984).

Negative Comments

Only five people were clearly negative, and the main reason in all cases was that they felt "*processed*" and *treated without concern*. These people still tended to be angry about what had happened to them. Mark for instance criticized his supervising officer for being "always late, sometimes didn't even turn up . . . He's just absolutely hopeless, never there, never on time." Mark might have been a disenchanted probation officer talking about a wayward offender! The point is that he deduced that the officer didn't "really care about (him)."

Samuel said he was not able to talk to anyone about what happened because he didn't have a specific probation officer. He just felt passed around:

It was sort of like I was scattered throughout the office and sort of every time I went back it was a different person. (...) I wish they could have come out to see the person, like come out and see me, and sort of spent a bit more time to get to know me, you know, stuff like that instead of just being a number basically.

Samuel 680

Two people added the criticism that their probation officer was *merely curious about their lives* rather than genuinely interested. Jo had said that her probation officer was "too nosy, and if I was honest with her she would jump on me." She said that she "put her [i.e., trapped her] in a corner."

Being positive about the probation officer and getting something out of the sentence were very closely related. Indeed, 23 out of the 24 people who said they got something out of the sentence made positive comments about their probation officer and only one was neutral. None were negative. By comparison, only 7 of the 24 people who said they got nothing out of the sentence were positive about the probation officer, 12 were neutral, and 5 were negative.

Key Ideas and the Influence of Probation

It must be seen in the wider context.

In the main part of the desistance study, only 6 out of 37 people *spontaneously* said supervision was one factor in their going straight. Yet when asked directly if they got anything out of the sentence, 13 people said it influenced their reduction in offending. Marcus was one of those six who did not mention probation as a factor in his change, yet later in the interview said it had influenced him and given him a different outlook. I challenged him about this apparent inconsistency. As you will see from the excerpt, he points out that supervision could only have a very limited effect, given the broader context of his life:

A lot of factors influenced me okay? And to a lesser extent probation, okay? But it was effective yeah, and it was a good factor then. But my friends, what my friends did and what happened to my friends in jail, that was more of an impact on me, had more of an impact on me than probation.

Marcus 1702

It's important to find the cause of offending.

In the discussions on whether or not probation has a role in reducing reoffending, one of the major themes was that offending has a cause which needs to be uncovered and dealt with if people are to go straight. This theme of finding the cause of crime featured in many accounts. Jo, for instance, said "there's *reasons* why people offend." Marcus talked at length about the need to deal with the *cause* of an individual's offending. Horris explained that his experience of an outdoors challenge program missed the point, since it didn't deal with the cause of offending. Zerlina documented the reasons for her continued offending very clearly and knew that she had not yet dealt with them. Many people made the same point:

What they see in the court is a symptom, not the *cause*. And you know, my *cause* was treated and so the symptom didn't appear again... You can treat the symptom and maybe they'll rehabilitate themselves from that symptom but the *problem* will still be there.

Rose 1926

The person has to want to change.

The other major theme which emerged when discussing the role of probation was that persons will only stop offending when they decide to do something about it themselves:

It's up to the person themselves, if they want to stop reoffending. No one's going to stop them doing it unless they want to stop doing it themselves.

Kirk 872

It's just got to be in yourself, you know, to stop offending or whatever, it's probably just up to the individual whether he wants to stay out of trouble or not.

Wiremu 468

I think stopping getting out of trouble all depends on the individual. They can kind of, like the probation officer can kind of point them in other directions but can't stop them.

Mark 794

I don't think that you can rehabilitate anybody who doesn't want to be rehabilitated, no matter what you do for them.

Rose 1903

Discussion

In their accounts of change, very few people *spontaneously* mentioned the sentence of supervision as something which helped them go straight. Yet asked directly about supervision, half the group said that they had got something out of the sentence, and a third of those going straight said that the sentence had something to do with a reduction in reoffending.

Getting something out of the sentence was clearly related to feeling positive about the probation officer. Two-thirds made positive comments about their probation officer. People wanted to be treated as individuals and shown genuine consideration. What counted was being treated as a "person" and "human being" rather than as a "thing," a "number," a "product." They specifically said that they valued:

- Someone they could get on with and respect who
- Treated them as an individual
- Was genuinely caring
- Was clear about what was required of them
- Trusted them when the occasion called for it.

The features which the offenders in this study identified as being important in a good probation officer/offender relationship were the mirror images of the features which were identified by probation officers in the earlier study (Leibrich, 1991). Where people were negative about probation officers, it was because they felt merely "processed," the officer had been late or not kept appointments and had given the impression of being curious rather than genuinely concerned.

In general discussions on the role of probation in reducing reoffending, the offenders here, like probation officers, made the point that the influence probation officers might exert is clearly related to the quality of the relationship they have with the offender. The relationship between probation officer and offender was a crucial factor in whether people got anything out of a sentence of probation. They em-

phasized the need to find and deal with the *cause* of the offending and stressed that people would only change if they themselves wanted to. Offenders also made the point that the goal of reducing reoffending could only be realized in a limited way, given the many other influences on people's lives. But they were very aware that people will only change if they want to change.

These findings have important implications for any corrections system. Given the strength of other influences on an individual's course of change, the extent to which the goal of reducing the likelihood of reoffending can be realized must be seriously questioned. And consequently the setting of specific goals in terms of reducing recidivism must be realistic.

Yet there is clearly some potential for supervision to facilitate change where a person is ready for such influence. This study occurs at a time of renewed optimism about the potential influence of justice programs on criminal behavior. It has been argued that criminal theory has moved through distinct waves in the last few decades from the '60's view of "everything works," to the despondency of the '70's "nothings works," to the relative optimism of the '80's "something works" (DiIulio, 1990). In the 1990's there is a renewed debate on the question of "what works?" A recent review of research which examined the effectiveness of correctional programs identified principles which were related to effectiveness (McLaren, 1991).

The findings of the McLaren paper are supported by the full empirical study from which this present article is derived. In particular, programs are likely to be more successful if they are based on a social learning model,¹³ use a "firm but fair" approach, offer modeling of alternative behaviors, train offenders in pragmatic personal and social problem-solving skills, and encourage empathetic relationships between staff and offenders.

While this question "what works?" has more creative possibilities than the earlier statements, it is set in a political context where strategy is largely determined by cost. In New Zealand, as elsewhere, public expenditure is routinely cut back as part of the plan to reduce the fiscal deficit. Given increases in crime in New Zealand, this means that community corrections has to deal with more offenders without increases in staff numbers or other resources (Short, 1992). The predominant theory is "business is business." Yet this study shows that the key to change is "people are people." It is crucial not to lose sight of this or economizing will be of no avail.

NOTES

¹The sentence of supervision puts a person under the supervision of a probation officer for between 6 months and 2 years. The court

may impose additional conditions, such as giving the probation officer specific control of the person's finances or referring the person for assessment and treatment and "such other conditions as the court thinks fit to reduce the likelihood of further offending." Criminal Justice Act 1985, s.50(1)(c).

²Divisional Management Plan, 1992.

³Two of the 50 people I interviewed said that they were innocent of the offense for which they had received supervision. Consequently their interview material does not form part of this study, and the final number of participants was 48.

⁴Five thousand five hundred and forty people were sentenced to supervision in 1987; 1,515 of the 5,540 had not had a conviction since the start of their sentence; 312 of the 1,515 had terminated their sentence in the selected probation region.

⁵There are four probation regions in New Zealand.

⁶Studies of offender populations have notoriously low response rates. See Leibrich (1986).

⁷Cases heard in the youth court do not usually result in a conviction.

⁸Periodic detention is a community-based sentence where offenders are required to report to a work center once a week for a specified number of months.

⁹Got something out of the sentence: Straight: Yes 20, No 17, Don't Know 1; Not Straight: Yes 4, No 7.

¹⁰. . . indicates a pause and (...) indicates some text has been removed.

¹¹Views on probation officer: Straight: Positive 24, Neutral 10, Negative 3; Not Straight: Positive 6, Neutral 3, Negative 2.

¹²A previous sentence she had had.

¹³See for instance Gendreau & Ross, 1987.

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